

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-25 previously presented for examination remain in the application.

Claims 1, 17 and 22 have been amended. No new claims have been added and no claims have been canceled.

The Specification stands objected to under 37 C.F.R. § 1.77(b) as missing the Brief Summary of the Invention and required applicants to amend the patent application to include such a section. Applicants hereby respectfully traverse the objection and kindly point out that a "Summary of the Invention" section is optional since neither the rules nor the patent statute requires a patent applicant to provide such summary.

As discussed in 37 C.F.R § 1.73:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, **should** precede the detailed description. Such summary **should, when set forth**, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed

[emphasis added]. 37 CFR § 1.73.

37 C.F.R. § 1.77, cited in the Office Action, further states

(a) The elements of the application, **if applicable**, should appear in the following order:.....

(c) The text of the specification sections defined in paragraphs (b)(1) through (b)(11) of this section, **if applicable**, should be preceded by a section heading in uppercase and without underlining or bold type.

[emphasis added] 37 C.F.R. § 1.77

Thus, applicants respectfully point out that the use of the word "should" and the phrase "when set forth" indicate that inclusion of a "Summary of the Invention" section is optional rather than mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide a "Summary of the Invention" section in a patent application or to require an applicant to amend the patent application to include such a summary. Therefore, the objection and any requirement related thereto, is requested to be withdrawn.

Claims 24 and 25 stand rejected under 35 U.S.C. § 101 because they are considered to lack utility. In particular, it is considered that the claims lack utility because the use of the terminology "if" renders the execution of machine-readable instructions to be optional.

Applicants respectfully traverse this rejection for at least the following reasons. It is well-settled that a machine-readable medium storing instructions that are executable by a machine to perform a novel process is patentable. This is the case whether or not the instructions are executed by the machine. For example, machine-readable instructions may be stored on a CD-ROM. The process implemented by the instructions is then undertaken only if the instructions are executed. For at least these reasons, applicants respectfully submit that the word "if" does not cause either of claims 24 or 25 to lack utility and respectfully request withdrawal of the rejection.

Claims 1, 3-7, 12-14 17 and 22 stand rejected under 35 U.S.C. § 102 as being considered to be anticipated by Japanese Patent Application Number 10-155957 to Tatsu ("Tatsu").

Claim 1 includes the limitations

a voltage supply input port to receive a voltage at a first voltage level;
and
a cache to flush or maintain its contents, depending on a power status signal and an indication of whether a power reduction associated with maintaining the contents of the cache upon entering the low power state is a lower priority than avoiding an increase in a soft error rate in the cache associated with reducing the voltage to the second voltage level, upon entering a low power state in which the voltage is to be received at a second voltage level, the second voltage level being lower than the first voltage level.

(Claim 1)(emphasis added).

Applicants respectfully submit that, as admitted in the Office Action, Tatsu fails to teach or suggest the claimed features of applicants' invention including at least a cache to flush or maintain its contents upon entering a low power state, depending on a power status signal and an indication of whether a power reduction associated with maintaining the contents of the cache is a lower or higher priority than a soft error rate associated with the voltage reduction.

More specifically, under "Allowable Subject Matter" section in the Office Action, it is stated that

Re claims 8 and 9, the prior art fails to disclose or suggest "that power reduction associated with maintaining the contents of the cache upon entering the low power state is a lower priority than avoiding an increase in a soft error rate in the cache associated with reducing the voltage to the second voltage level.

Re claims 10 and 11, the prior art fails to disclose or suggest "that power reduction associated with maintaining the contents of the cache upon entering the low power state is a higher priority than avoiding an increase in a soft error rate in the cache associated with reducing the voltage to the second voltage level.

(Office Action)

For at least this reason, claim 1 is patentably distinguished over Tatsu. Independent claims 12, 17, 22, 24 and 25 include a similar limitation. Claims 2-11, claims 13-16, claims 18-21, and claim 23 depend from and further limit claims 1, 17, and 22, respectively and thus, claims 2-25 should be found to be patentably distinguished over Tatsu for at least the same reasons.

Claims 7, 19 and 23 stand rejected under 35 U.S.C. § 103(a) as being considered to be unpatentable over Tatsu in view of Reneris.

The combination of Reneris with Tatsu does not remedy the deficiencies of Tatsu as argued above in reference to claim 1. More specifically, as admitted in the Office Action, the prior art fails to teach or suggest this limitation.

Claim 7, 19 and 23 each depend from claim 1 or a claim including a limitation similar to that argued above in reference to claim 1 and thus should be found to be patentably distinguished over Tatsu and Reneris, alone or in combination.

Claims 2, 8-11, 15, 16, 18 20 and 21 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully acknowledges the status of these claims. Considering the arguments above, however, applicants respectfully submit that the applicable rejections have been overcome and that claims 1-25 are in condition for allowance.

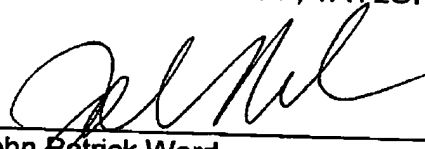
If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the Examiner is invited to telephone applicant's representative Cynthia Faatz at (408) 765-2057.

If there are any charges due, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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